



List of Major Changes to Seattle's Existing Telecommunications Regulations

November 1, 2002

General Provisions

- Require removal of unused telecommunication equipment (poles, antennas, etc.).
- Allow co-location of minor communication utilities on existing major communication utilities to reduce the potential for more monopoles. In addition, new minor communication utilities would also be permitted outright on existing minor communication utility freestanding towers.
- Permit outright in all zones, except in single family structures in Single Family zones, minor communication utilities that are contained wholly within a structure as long as it does not result in loss of a dwelling unit in residential zones.
- Permit through an Administrative Conditional Use in Single Family zones, and permit outright in all other zones mechanical equipment associated with minor communication antennas located on another site or in the right-of-way as long as the equipment is enclosed within a structure that conforms to the standards of the zone.

Development Standards

- Eliminate the 10 foot from property line setback requirement in Single Family and Commercial zones. The current code has resulted in the need for taller facilities when they are required to locate back from the edge of the building. The proposed visual impact standards (see below) encourage incorporation into the architecture of the building. This is often more feasible if the facility can be incorporated into the parapet at the building's edge.
- Incorporate rooftop open space provisions (which are already in Lowrise zones) into Midrise, Highrise and Downtown zones; these provisions require specified separation between transmitting antennas and required open space located on rooftops.
- Limit minor communication utilities/accessory devices in Commercial zones to 15 feet above the height of the building or 15 feet above the height limit, whichever is less; the current code permits facilities to go 15 feet above the height limit; the proposed regulations are designed to prevent "monopoles" on top of short buildings.
- Also limit minor communication utilities/accessory devices Downtown to 15 feet above the height of the building or 15 feet above the height limit, whichever is less. However, such facilities and accompanying screening could be permitted through design review as long as the height of the utility does not exceed ten percent of the maximum height of the zone.

Visual Impacts

- A new code section is devoted entirely to addressing and mitigating visual impacts and establishing design standards for telecommunication devices and infrastructure as noted in the body of this report. See proposed Section 23.57.016.

Type of Approval Required and Approval Criteria for Minor Communication Utilities, By Zone

A summary of the proposed changes for types of approval required, by zone, are contained in Attachment B. Attachment C lists the criteria that would apply for conditional use approval in single family, multifamily, and commercial zones.

Single Family Zones Facilities to be located on single family houses or vacant lots would continue to require a Council Conditional Use (CCU) approval. The proposed regulations require that such a use would only be permitted if it can be demonstrated that the location on the specific site is required to fill a “significant gap” in wireless services; see proposed Section 23.57.009A. Facilities to be located on all other locations (institutions, non-conforming commercial, etc.) would only need Administrative Conditional Use (ACU) approval. The current code requires CCU approval for all locations except on an existing utility or public facility, in which case an ACU is required.

Lowrise, Midrise and Highrise Zones Proposed revised criteria for ACU approval in these zones is included in Attachment C.

Commercial Zones It is proposed that an ACU be required anywhere in Neighborhood Commercial (NC), Commercial (C), and Seattle Cascade Mixed (SCM) zones for minor communication utilities that would exceed the height limit of the zone and for new free standing transmission towers. The existing code only requires an ACU if the facility would exceed the height limit in two instances: a) anywhere in NC zones, and b) on lots adjacent to single family zones in C zones.

Pike Market Mixed, Pioneer Square Mixed, and International District zones Continue to prohibit major communication utilities, while permitting minor communication utilities; up to 4 feet additional height above the roof is permitted outright, while greater height would require an ACU approval. Current requirements for a Department of Neighborhoods Certificate of Approval are unchanged.

Major Institutions Allow an ACU for major institutions with underlying residential zoning even if telecommunication facilities are larger than that permitted in the residential zone; the antenna must be at least 100 feet inside the Major Institution Overlay boundary and be substantially screened from the surrounding neighborhood's view. An ACU would not be required if a Major Institution Master Plan has been adopted that addresses telecommunication facilities.

Definitions and Exemptions

- Expanded or modified definitions, development standards and review criteria are included for Personal Wireless Facilities, Fixed Wireless Service, Amateur Radio Towers, Dish Antennas, Minor Communication Utilities, Accessory Communication Devices, Freestanding Transmission Towers, Utility Service Use, and all other telecommunication devices and infrastructure regulated under the SMC. In general, federal definitions are used where appropriate.
- Exemptions from the regulations reflect federal preemptions on the type and size of antennas or services that local governments are permitted to regulate.

Other

- Amend the SEPA “Environmental Health” policy to incorporate the FCC preemption over radiofrequency emissions for personal wireless facilities.

Shorelines

- Regulations would distinguish between major and minor communication utilities and accessory communication devices throughout the shoreline ordinance.
- Major communication utilities would continue to be prohibited in the shoreline.
- Minor communication utilities and accessory communication devices (except free standing transmission towers) would be permitted only in shoreline environments where non-water dependent commercial uses are already permitted (Urban Stable, Urban Harborfront, Urban Maritime, Urban General, Urban Industrial).
- Urban Harborfront provisions are modified to reflect height limits downtown. (Minor communication utilities/accessory devices limited to 15 feet above the height of the building or 15 feet above the height limit, whichever is less.)